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SPEECH
OF
HON. L. F. GROVER, OF OREGON,
ON THE
INDIAN WAR EXPENSES
OF
OREGON AND WASHINGTON.

DELIVERED IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 21, 1859.

The House being in Committee of the Whole on the state of the Union—Mr. GROVER said:

Mr. CHAIRMAN: Not having been admitted to a seat in this House in time to participate in the debates, which occurred a few days since, on the subject of the Indian war expenses of Oregon and Washington, I desire to place on record my views touching the matter. And, in doing this, I do not intend to go much beyond a statement of such facts and of such explanations bearing upon this subject, as may be relied on, hereafter, to support the position which the State of Oregon and the Territory of Washington will occupy on this question.

It is a mandate of the Constitution that the United States shall protect each State against invasion and against domestic violence. This is the obligation of the Federal Government to the several States, in recognition of which we find, through our whole history, that in times of foreign wars and Indian hostilities, the national troops have been put in requisition to defend the States; and, in case that resort has been had to the militia forces of any State, prompt assumption has been had by the General Government of the expenses incurred by each State in her own defence.

The obligation of the General Government to protect and defend the territories and the District of Columbia, which are governed by federal legislation, is more direct and of a higher quality.

The very preamble of the Constitution declares, that one of the principal ends to be attained by its adoption was, "to secure domestic tranquility, and to *provide for the common defence*."

It is the first element of every civil government that it shall defend the integrity of its territory, and protect the lives and property of its citizens. The question of assuming the expenses of the States and territories incurred in repelling foreign invasions, or suppressing Indian hostilities, has, therefore, never been one of policy merely, but one of vital obligation on the part of the General Government—a duty the performance of which is necessary to our national conservation.

It is not necessary for me, after the eloquent and forcible remarks of my friend from the Territory of Washington, (Mr. STEVENS,) to say anything

relative to the origin and conduct of the Indian war of 1855 and 1856, embracing in its field of operations seven degrees of latitude, and more degrees of longitude, and involving the combined hostilities of many powerful tribes. I need not dwell upon the marked incidents of this Indian campaign, longer continued, more severe in fatigue duty, and more dangerous in its execution, than any which has ever occurred on our frontiers.

The existence and *necessity* of this war have been recognized by sovereign acts of this Government, and we are not called upon, and never can be called upon, to review and refute the false charges of those who have chosen to place themselves in contravention to this conclusion.

The Chairman of the Committee on Military Affairs, (Mr. FAULKNER,) to whom had been referred this whole subject, in a written communication under date of February 4, 1859, to General Lane, then delegate from Oregon, now a member of the Senate, referring to the hostilities of 1855-'56, says:

"The duty which the Military Committee devolved upon me embraced, according to my construction of it, two heads of inquiry: 1st. The origin of the war—did the facts connected with its origin show a proper case for calling out the militia forces of the territories? Was it a *necessary* war so far as the protection of the lives and property of the people was concerned? In pursuit of this branch of the inquiry I procured promptly, after the adjournment of Congress, all the printed documents and other information within my reach bearing upon that aspect of the subject; and, after a careful examination, I reached the conclusion that the condition of affairs in the Territories of Oregon and Washington, in the fall of 1855, *fully justified* the call for the militia of the Territories; and I so reported to the committee at its first meeting in December."

This special finding of the Committee on Military Affairs of this Congress is only a re-affirmance of the premises on which the action of last Congress was predicated, when the act of August 18, 1856, was passed. This act, so far as it relates to the expenses of this war, has the following provision:

"That the Secretary of War be directed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers; and that he may, if in his judgment it be necessary, direct a commission of three to proceed to ascertain and report to him all expenses incurred for purposes above specified."

Does not this law recognize "the late Indian war in Oregon and Washington," as a fact within the notice of the Government? And does it not proceed to require "the amount of expense necessarily incurred by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers" to be examined into and reported for adjustment, on the sole ground that could exist for such an act, that the war was necessary to defend the lives and property of the citizens?

If the war was a sham, gotten up by the people of those distant Territories for the purpose of exposing their own lives and the lives of their defenceless wives and children to the dread cruelties of savage barbarity, and their property to certain devastation—if their military organization was only the mustering of the rabble, intent on brutality and plunder, regardless of the interests of their country and the policy of the Government, then the expenses of their services might well have been ignored.

But such was not the case. This war was a just war. It was an inevitable war, and it was conducted, so far as circumstances would admit of, with

humanity. Such was the determination of last Congress upon a full hearing of this subject when this matter was passed upon.

Under this act of Congress recognizing the services of the volunteers, and providing a method of ascertaining the amount due on that account for the purposes of liquidation, the Secretary of War issued the following order :

“WAR DEPARTMENT, WASHINGTON, *September 4, 1856.*

“Agreeably to the authority given by the 11th section of the act of August 18, 1856, making appropriations for certain civil expenses of the Government for the year ending June 30, 1857, a Commission to consist of Captain Andrew J. Smith, 1st Dragoons, Captain Rufus Ingalls, Quarter Master Department, and La Fayette Grover, Esq., Salem, Oregon, is hereby appointed to examine into the amount of expenses necessarily incurred in the suppression of Indian hostilities in the late Indian war in Oregon and Washington, by the territorial governments of said Territories, for the maintenance of the volunteer forces engaged in said war, including pay of volunteers, and report the result of their examination to the Secretary of War.

“The Commission is authorized to hold its sessions at such places in Oregon and Washington as may be most accessible to the claimants and convenient for the transaction of its duties.

“JEFFERSON DAVIS, *Secretary of War.*”

This embraced the warrant and the instruction of the Commission to proceed to duty, which they did on the 20th day of October, 1856, and after spending more than a year in a careful investigation of these claims, traveling over the whole field of operations occupied by the volunteers during the late hostilities, and after marshaling the best evidence on all doubtful points which the country could afford, they made their report to the war office.

During the transaction of their duties the Commissioners were visited at their principal office in Vancouver by a special agent of the Government, J. Ross Brown, sent to the Pacific coast to examine into the condition of our Indian relations in that quarter, the transactions of public officers, and particularly the doings of this Board. This agent sums up his elaborate and interesting report on this subject in the following words :

“The Commissioners at Vancouver have faithfully and impartially performed their duty. Whatever sum they may have decided upon in estimating this war debt, I hold that amount to be justly due, and trust that Congress will at once provide for its extinguishment.”

The Secretary of War received, examined, and approved the report of the Commission. In his annual report for 1857 he says :

“By a law passed the 18th day of August, 1856, a Commission was directed to be appointed for the purpose of ascertaining the sum of money fairly due to the volunteers of Oregon and Washington Territories, for their services in the Indian wars, which threatened to lay waste those Territories. In compliance with this law, Captain Smith, of the first dragoons, Captain Rufus Ingalls, of the Quartermaster's department, and La Fayette Grover, Esq., of Salem, Oregon, were appointed to examine the accounts and claims, and to make a report in conformity with the law, and upon the facts as they existed, so far, at least, as it was possible to ascertain them.

“These officers entered upon their duties on the 10th day of October, 1856, and seem to have labored with great assiduity and patience in discharge of them, until the 20th of October last, when they were brought to a close. I have examined this report very carefully, and conclude that, from the data they have adopted for their guide, as to the prices for stores and subsistence, and time of service rendered by the men, it is not probable a more just or accurate result could be attained than these gentlemen have arrived at. The amount ascertained to be due is a very large one, and Congress will have to make provision for its payment, if it is intended they shall be liquidated, of which I presume there can be no doubt.”

Under this state of facts a bill was introduced into this House at the last session, by the Delegate from Oregon, to pay these claims on the awards of the Commission. This bill, I contend, should in justice have passed. The war had been recognized; its necessity was not questioned; its expenses had been assumed by act of Congress, and they had been ascertained and reported in manner as directed by that act. Was not this an adjustment made under the authority and with the full sanction of the Government, and was it not binding upon it? If the action of the Government in this case does not amount to what I have claimed for it, it does not amount to anything. And the marching and counter-marching with the "pomp and circumstance" of legislation and of administrative action, have only been so much trifling with a distant and important portion of our people, who deserve and have a right to expect better things.

This bill providing payment of these claims was referred to the Committee on Military Affairs in the House at the last session. The Committee, through a resolution of the House, called on the Secretary of War for the report of the Commission and accompanying papers. They were promptly placed at their disposal. But instead of a personal examination, which, under the circumstances, might have been impracticable, but which was due to a subject of this magnitude, all these papers and rolls, consisting of some half a cord in bulk, were turned over to the Third Auditor for an analysis to assist the Committee in coming to a proper conclusion in reference to the labors of the Commission and the details of their work.

Although this reference was made to the Third Auditor during the last session, with directions to report at the commencement of this session, nothing had been done in the premises when the present session convened. At the most urgent solicitation on the part of the Delegations of Oregon and Washington, the matter was finally taken up. The examination had, was, as the Auditor himself says, "cursory" in its character. In the words of a member of the Military Committee, (Mr. MARSHALL, of Kentucky,) used in the late debate on this floor, "it was a criticism," and what I call an ill-advised criticism.

I will review, in a brief manner, some of the points of this remarkable letter of the Third Auditor, and exhibit some of its inconsistencies not noticed by my friend from Washington Territory, (Mr. STEVENS.)

The letter of the Third Auditor says:

"The evidence of indebtedness went before the Commissioners, generally, on report of the quartermaster and commissary generals. Whether or not the expenses were incurred necessarily, or the property expended in a proper manner by the subordinates; whether they were in fact wholly incurred, or were partly constructive or simulated, could only be determined by the Commission.

"It may not be doubted that the quartermaster and commissary generals reported to them the true state of subordinate accounts as received by them. Yet there is nothing among the papers to test their representations, and certainly nothing by which to ascertain whether the subordinates did or did not make faithful returns. It is to be presumed that the Commission were satisfied on these points, for they approved every thing—*only reducing rates*; and no reasons were given among the papers for even that. The only exceptions are few and generally trivial. One or two cases of labor, where the persons were enlisted men; two cases where enlisted men were known to have been employed and paid for the time in the regular army, although regularly mustered and discharged; and a few cases where the time of service has been reduced."

But the report of the Commission under review says, upon this point.

"In examining into the amount of expenses necessarily incurred for the maintenance of these volunteer forces, the Commission deemed it proper, under the au-

thority contained in the order organizing the Board, to visit extensively both Territories, with a view of being informed fully of the nature and extent of the late Indian hostilities, the means employed for their suppression, the rates of labor, the prices current of property furnished the service, and the facilities and expense of transportation.

"The officers of the staff departments of the late volunteer service were visited, and the mode of doing business and the integrity of their accounts inquired into. Irregularities and imperfections were, of course, to be found, but to a less extent than might have been anticipated.

"The Commission, in pursuing its inquiries into the character and extent of such liabilities, first took up these vouchers and examined each in detail with reference to—1st, its being genuine and sufficiently authenticated; 2d, the kind of property or services embraced, whether or not proper or necessary under the circumstances for military purposes to which devoted; and, 3d, the rates of compensation allowed or contracted for.

"Frequent conferences were had with officers and agents who originated these vouchers, and with the parties claimant, in all cases admitting of doubt in the regularity and integrity of the claims, and, when necessary, the sworn statements of disinterested persons have been taken.

"Such claims, and items in any claim, as were based upon the furnishing of property or labor not necessary or proper for the maintenance of the volunteer forces have been rejected.

"In passing upon the rates of compensation and allowances, the Commission took into consideration the various market prices of the different sections of country embraced in the field of operations during the late Indian war, and established, on the statements and testimony of the most competent witnesses, carefully adjusted prices current of the several local markets. With these rates as a guide, each voucher was examined with reference to the sums therein allowed for the property or service described. In all cases where there existed established rates for particular kind of property in a district, and the rates in the voucher were excessive, a deduction was recommended and endorsed thereon. In cases where rates were not excessive, the voucher was endorsed 'approved.'

"Many of the claims were for kinds of property which could not admit of action upon any fixed bases, in which cases particular inquiries have been made in adjusting the amount allowed."

The italics in the quotation from the Auditor are his own.

Why does the auditor say that there is nothing by which to ascertain whether the subordinates did or did not make faithful returns, when he can find among the papers if he will examine, as perfect returns, and complete accounting, as far as Oregon is concerned, as can be found in the accounts of the regular army, except in a few unimportant instances?

Why does he say that "it is to be *presumed* that the Commission were satisfied on these points, for they approved everything, *only reducing rates*, and no reasons were given among the papers for even that," when the report of the Commission distinctly states that the regularity and integrity of the claims were strictly inquired into, and that such claims as were based upon the furnishing of property or labor not necessary or proper for the maintenance of the volunteer forces, have been rejected? The abstracts generally have been completed under the direction of the Commission, after a full marshaling of the accounts, and rejected claims of course would not be entertained upon them.

And as to there being no reasons given for the reductions recommended, such a statement could only come from one who had not read the report of the Commission, nor examined the accompanying papers.

Complaint is made that some of the vouchers for miscellaneous expenditures are indefinite and uncertain. That is true, but the Commission could not reorganize the very basis of all these claims, and require a compliance with the technical accuracy of regular accounts. They devoted themselves to the only remaining alternative of calling on the claimants to

establish the items of the account by proofs, and to justify their general integrity. Nor could the results of this labor become a matter of record without expending years in the work, and accumulating quantities of papers which would never be examined.

The Auditor cites in his letter many instances of vouchers selected from the accounts, showing great variation of prices and high rates of purchase, and in extreme cases he reports exorbitant charges, without stating what the action of the Commission was in the premises. For instance, giving the purchases of Quartermaster L. P. Brown, he states his purchases to have been fifty horses and twenty-eight mules, "the horses from \$150 to \$500," without communicating the fact that the Commission deducted all over \$400 from the price of all horses exceeding that figure.

On giving the purchases of Quartermaster Millard, he says: "His prices appear to be enormous—horses as high as \$550, mules \$500. He purchased sixteen mules for \$6,180, the lowest at \$275, and the highest at \$500;" with the same gross omission, in not stating the fact patent on the very roll from which he copied these figures, that the *maximum price* allowed in any of these cases was \$400; thereby, leaving it to be inferred that all these rates passed the approval of the Commission, and that the whole thing was an attempted swindle on the Government. This feature of *suggestio falsi* runs through the entire letter of the Auditor, as far as it relates to prices of property.

The Auditor notices as a case of triple allowance or pay, that William Johnson, (of Keith & Johnson,) one of the owners of the ferry across the Columbia river, at the Dalles, has a claim of \$644 50 against the Territory of Oregon, while during the time in which this claim was engendered, the firm had contracted for \$300 per month to ferry all the troops and public animals and stores, for Washington Territory, while Johnson himself was a private in Captain Goff's company of volunteers. Two other cases of triple pay, so termed; those of Packwood, and Packard, at the Nesqually ferry in Washington Territory, are mentioned by the Auditor as presenting this condition of things; these men were volunteers in the service of the Territory, and at the same time have claims for ferriage of troops and public animals, and he adds: "The fact of their being in the service, under pay, seems not to have made any difference in their charges for ferriage, and they, or one of them, besides, charged for a great many separate meals to various passing travelers."

The simple fact is, that the owners of ferries in Oregon and Washington, hardly ever run their ferries themselves personally, nor do I know that the people of those regions differ in this respect from the people of the States generally, and when they contract by the month to convey a person, or a family, or the troops of a State or Territory across a river, they do not thereby preclude themselves from conveying other persons, or the troops of other States or Territories, for hire, nor do they preclude themselves from joining in defence of their country. And further, I do not know of any law or rule of our Government, which would forbid a keeper of a public house, as Packwood was, from entering the public service in time of war. And if he should do so, I cannot see how his family could be debarred from conducting the public house, as his did, in the name of the proprietor, and claiming and receiving pay "for a great many separate meals to various passing travellers." Can the fact that a man is a soldier deny to him the earnings of his ferry, or of his public house, or of his servants and family? And does it compel him to feed the public for nothing?

According to the Auditor, Quartermaster Peters' accounts show that in the hire of animals for public transportation, "the persons from whom the animals were hired were nearly all in the service, as teamsters and packers." This is furnished as a class of instances of double pay.

In the mountainous regions of southern Oregon and northern California, transportation of goods by mule-trains is a very important branch of business. The proprietors usually accompany their own trains, and when they are required for public service, they enlist with their animals; and I never before heard the intimation of any rule which would deny the employé his pay, if he happened to own the animal which he might ride or drive.

The following statement is calculated to mislead:

"The Adjutant General, (Tilton, the Surveyor General of the Government, at a salary of \$3,000 a year,) with the rank of brigadier general, reported for pay to the amount in addition of \$4,815 81."

This would indicate that an attempted fraud had been disclosed. The Commission made no such report. The staff-rolls were regularly made out, and the pay accruing to each officer according to his rank, was carried out on the roll. When any officer held a public place under the United States, his official character and salary were stated also. The Commission made no special recommendation, but gave all the facts, so that the proper accounting officer could adjust the matter according to the laws and rules governing his department. Under general law, two salaries cannot be paid during the same current period of service; but the officer has his right to elect which he will take.

It is stated that the roll of Capt. Williams' company, W. T. volunteers, "is full of errors and confusion." As the sole specification under this general charge, it is declared that "seventeen of the men are set down and reported for pay by the Commission for themselves and horses, at nearly \$8 per day, each." This sentence seems intended to induce the belief that the Commission allowed seventeen men of Capt. Williams' company "\$8 per day, each," while the roll referred to does not show this. The roll will show, that on volunteering, seventeen men of this company put several horses each into the public service, which were used to mount the balance of the company; and, perhaps, some men of other companies, who furnished none for themselves. The roll further shows, that each of those seventeen men were allowed by the Commission \$2 per day for his own services, and \$2 per day for the use and risk of each horse which he put into the service, and the amount is carried out in gross, to each man, according to the territorial law.

Referring to the same subject, in another part of the letter, the Auditor says: "In some of the companies, the members had more horses in service than they were entitled to keep—all of which are reported for pay." In letter, this statement is true, but in fact, it is not true. The members of any company who had more horses in service than they were entitled to keep, did not keep them. They were entered to the use of the Territory, and were used to mount men who had no horses, and such were reported on the same roll as mounted on horses furnished by the Territory, because the Territory was charged on that roll with the hire of the horses so furnished.

The same answer will apply to the reference made to Capt. Yantis' company, "in which one private is reported for pay for three horses in service, which was two more than he was entitled to keep." No private in either of the Territories, did keep, or receive pay, for more than one horse for his

own use. This mode of entering horses furnished by the volunteer or by others, on the company muster-roll, is not a new thing in the frontier service of the country. It was practiced in the volunteer service of 1853, in the Rogue river country, and in other volunteer services. The Commission had no power to reconstruct these rolls in this particular, and it remained only for them to report the services and the rights of claimants, which they did.

Referring to the transactions of Quartermaster Millard, the Auditor says: "He, as well as the rest of Quartermasters of the Territory, appear to have considered tobacco an article of military supply, which it is scarcely necessary to say, is unknown to any service ever recognized by the United States." The article is treated by Quartermaster Millard, as "clothing, of which he received and issued two thousand three hundred and twelve pounds." Now let me ask, Mr. Chairman, how was the article of "clothing" treated in these accounts? The law required that the volunteer should furnish his own clothing; and in case he was unable to do so, he was furnished by the Territory, and the amount so furnished was charged to him and estopped against his pay. So with tobacco; it was not a part of the military ration, as whiskey used to be in the time of our grandfathers, but it was furnished as clothing was, and estopped against the pay of the volunteer. I think, with the Auditor, that it was "scarcely necessary to say," that the supply of tobacco to our military service is unknown, for such a statement is not founded in fact. The American soldier, nowhere, is ever found without his tobacco, any more than Napoleon was found in battle without his snuff. At established military posts of our army, sutlers, dealing with the soldiers under authority of the commanding officer, furnish them with tobacco, keeping an account which is adjusted at the monthly pay table, if not before, by the soldier himself. And during campaigns beyond the line of settlements, Commissaries, when there are no traveling sutlers, are ordered to take a supply of tobacco, and to furnish it to troops at cost, estopping the amount from their monthly pay account. Our army in Mexico, in many cases, were supplied in this manner. The volunteers of Oregon and Washington received no monthly payments; and, consequently, the supplies of this character, were furnished by the Territories, and estopped against the pay that might be allowed them thereafter. In principle, the practice in the regular army and that of the volunteer service of Oregon and Washington, are the same in this particular. The only difference is, that the consumption of tobacco does not appear in the accounts of the regular service, and does appear in those of the volunteers. Nor would these items have appeared in the volunteer accounts if there had been monthly, or any other payments, whereby they could have been adjusted otherwise.

In the examination of the accounts of Washington Territory, constant complaints, like the following, occur:

"None of the property purchased by Gov. Mason appears to be accounted for."

And again:

"There are twenty-nine vouchers representing these claims, not one article of which appear to be accounted for."

Instead of mixing in these constant complaints throughout his letter, why did he not do the people and officers of that Territory the justice to give the plain statement of the Commission relating to this very subject, as follows:

"The authorities of the Territory of Washington have not been able to present, in any regular or tabular form, satisfactory accounts of the disbursement or use of

such public property as was actually expended in the public service; in the absence of which, the Commission, in addition to the personal examination of the Board in the premises, has required sworn statements of such officers, (chief and subordinate,) as were charged during the service with the same, touching the disposition of such property."

And why did he not examine these sworn statements and state their effect in a fair and just manner?

To one acquainted with the condition of our frontiers, and the history of our country, this failure to furnish regular accounts is no marvel. No attempt was made at any accounting in this particular in the Cayuse war; in the war with the California Indians, in 1850; in the Rogue river war of 1853; or in any irregular service that I know of, except in that of Oregon in 1855-'56. And the General Government in adjusting the expenses of those wars, has never demanded any regular accounting. The inexperience of those issuing such public property has generally precluded the practicability of full accounting.

But when there is a regular and accurate accounting, the Third Auditor points at it with the finger of ridicule. Presenting the property account of Captain Wm. Kelly, he says: "The public property received by this officer and his company is very regularly accounted for, though the abstracts and vouchers are made out in triplicate, *which was an unnecessary waste of stationery.*" I will only remark that all disbursing officers of this service who did their business safely, made out their abstracts and vouchers in triplicate; one for the United States, one for the Territory, and one for their own protection.

In presenting the accounts of L. P. Brown, quartermaster at Deer Creek, for the purpose, I suppose, of indicating that there were too many quartermasters, he says that, "Deer Creek is near Fort Leland, where Huelat (a quartermaster) was." This information would be important, if true. Deer Creek is eighty miles from Fort Leland; the one in the Umpqua valley, the other in the valley of the Rogue river, separated from each other by the Umpqua mountains, six thousand feet high. Through a deep pass, a cañon in the mountains twelve miles long, the Government has been constructing a military road at an expense of \$20,000 to connect the two regions for military purposes.

Some of Quartermaster Brown's accounts show that wheat, oats and barley, were purchased during the war for scrip, at rates exceeding \$4 per bushel; and that in September, after the close of the war, oats were purchased as low as seventy-five cents per bushel, and hay at \$30 per ton. The Auditor adds, "this shows the difference between scrip credit prices during the war, and cash prices immediately thereafter."

Now, Mr. Chairman, allow me to make a statement, which will not confuse the minds of gentlemen, nor mislead the judgment of this committee. In the accounts of Lieutenant Sweitzer, of the regular army, serving in southern Oregon, in the fourth quarter of 1855, which was at the commencement of the volunteer service in that region, and when prices were lower than at any time afterwards until its close, he paid for oats twelve-and-a-half cents per pound, which, according to the weight of oats in that country, is \$5 per bushel. He paid eight cents per pound for barley, which is \$4 80 per bushel. He paid five cents per pound for hay, which is \$100 per ton. These were cash payments. After the war he could have purchased as low as Quartermaster Brown did, because a new crop had been harvested, and extraordinary demand had ceased. *This shows the differ-*

ence between cash prices during the war and cash prices immediately thereafter.

The Third Auditor had all these facts before him, when he made the ingenious statement which miscarried the military committee on this point. Slight inaccuracies of figures, as where a seven has been reckoned as a nine, by its being mistaken for that figure by a computing clerk, &c., have been placed in bold relief in this letter, as though more mistakes of the kind in half the amount involved did not frequently occur in the accounts of every department of the government. What relevancy has such kind of criticism to an inquiry into the merits of these claims on the principles on which they were adjusted? But I have no time to go further with these corrections and exposures, although they might with ease be carried to the end of the chapter.

Mr. Chairman, my friend from Washington Territory (Mr. STEVENS) thinks that the Third Auditor, "through ignorance did these things." I will not characterize this letter to the military committee in the terms which I now think it deserves. I hope it may prove to have been written under a misapprehension of the real facts.

The Committee on Military Affairs (I am sorry that I see none of them present) took action based upon the statements of this letter. Could action on such a basis be otherwise than unjust? They reported to this House, through their chairman, (Mr. FAULKNER,) the following resolutions, which, after some debate, were adopted:

"*Resolved*, That, preliminary to the final settlement and adjustment of claims of citizens of the Territories of Oregon and Washington for expenses incurred in the year 1855-'56, in repelling Indian hostilities, it shall be the duty of the Third Auditor of the Treasury to examine the vouchers and papers now on file in his office, and make a report to the House of Representatives by the first Monday in December next, of the amounts respectively due to each company and individual engaged in such service; taking the following rules as his guide in ascertaining the amounts so due:"

"1. He shall recognize no company or individual as entitled to pay, except such as were called into service by the territorial authorities of Oregon and Washington, or such whose services have been recognized and accepted by the said authorities."

"2. He shall allow to the volunteers engaged in said service no higher pay and allowances than were given to officers and soldiers of equal grade at that period in the army of the United States, including the extra pay of two dollars per month given to troops serving on the Pacific by the act of —, 1852."

"3. No person, either in the military or civil service of the United States, in said Territories, shall be paid for his service in more than one employment or capacity for the same period of time; and all such double or triple allowances for pay as appears in said accounts shall be rejected."

"4. That, in auditing the claims for supplies, transportation and other services incurred for the maintenance of said volunteers, he is directed to have a due regard to the number of said troops, to their period of service, and to the prices current in the country at the time, and not to report said service beyond the time actually engaged therein, nor to recognize supplies beyond a reasonable approximation to the proportions and descriptions authorized by existing laws and regulations for such troops, taking into consideration the nature and peculiarity of the service."

"5. That, all claims of said volunteers for horses, arms, and other property, lost or destroyed in said service, shall be audited according to the provisions of the act approved March 3, 1849."

The first resolution is unimportant, as no action will ever take place under it, after the facts are known; and these facts have been patent on the rolls at all times.

The second resolution is intended to cut down the pay of volunteers from \$2 per day to the grade of regular troops. The crying injustice of this

rule would defeat its object—the adjustment of the claims of the citizens for services rendered the Government in time of war. The volunteers would not accept anything under it. In fact, many of them could not accept anything, for in cases where volunteers were furnished an outfit of clothing for the service, as they were in many instances by the Territories, at rates of purchase, and the prices estopped against their pay on the rolls, they would be in debt to the Government after having served four or five months in the war. The service in Oregon and Washington was mostly rendered during the winter months of 1855-'56, and the volunteers going into the field without tents or shelter of any kind, campaigning mostly beyond the line of settlements, sleeping on the frozen ground or in the mud and snow, they needed about the following outfit:

2 pairs heavy blankets, at \$8.....	\$16
1 overcoat.....	20
1 pair of pants.....	10
1 hunting shirt.....	6
1 pair boots.....	10
Other clothing.....	10

Amount..... \$72

If in service five months, he might be allowed sixty dollars. The account would then stand:

VOLUNTEER	TO THE UNITED STATES,	DR.
To one suit of clothes.....		\$72
CR.		
By Military services as a private, &c., from October 15, 1855, to March 15, 1856, five months.....		60
		<hr/>
Balance due the United States.....		\$12

But this is not half the account. The volunteer, at the close of the war, would return to the settlements, his clothing, and perhaps his constitution, worn out in the service. If he was poor and had no credit, he could not supply himself with clothing, and before his discharge would demand of the Quartermaster a suit of clothes to enable him to return to his friends decently clad. There are instances where such advancements have been made at the close of the service. This would add still more to his indebtedness. In all those cases where these liabilities do not appear on the rolls they have been discharged in cash by the volunteer during the service. It will be thus seen how insignificant the amount of pay under this resolution will be, as compared with the necessary personal contingencies of the volunteers in this war.

But, Mr. Chairman, it is said the volunteers receive the same pay as regulars serving in the same field. Not so at all, under any application of this rule. The regular soldier is relieved of every possible expense; he is clothed and fully rationed, and quartered, at the cost of the Government; he then receives his monthly pay clear of charges. If he is transported to that country, it costs the United States \$210 per man from New York to the place of rendezvous of the volunteers. If he enlisted in Oregon or Washington, he received \$130 in cash, as a bounty for enlistment. The effect of this enlistment under bounty does not keep the soldier in that country, for he may not serve there six months.

There are upon the rolls of this service six thousand four hundred and fifty-two men.

To have recruited them on the Pacific coast, it would have cost the United States \$838,760.

To have transported them there, from New York, saying nothing of the expenses of concentrating them at that city, it would have cost the United States \$1,354,920.

To this might be added \$80,000 for monthly pay during transportation.

The entire allowance for personal services reported by the Commission at the rate of \$2 per day, is but \$1,886,585.

In making out the pay-rolls of this service, the commission did not act upon any discretion of theirs in the premises, although they considered the standard reported a just one. The law of Congress and the order of the Secretary of war authorizing their action, directed them "to examine into and report the expenses incurred by the territorial government," in conducting this war, "including pay of volunteers."

The law of the territory fixing the pay of the volunteers at \$2 per day, was a part of the action of the territorial government in levying these troops. It was the contract between the government and the volunteers, and the Commission were bound to recognize it, and act upon it, if they reported, as required to do, what expenses the territorial government had actually incurred. It has been said that it was not necessary to have paid so much. If so, it makes no difference with the obligation. But can the United States raise troops by recruitment on that coast at a less rate of pay? The offered bounty of \$130 secures no recruits. It gains some few re-enlistments after the expiration of the term of service of worn out soldiers, unable, even in that land of gold and high wages, to support themselves.

The provisional government of Oregon conducted the Cayuse war in 1847 before the discovery of gold on the Pacific, and when wages were much lower than since that time. That government allowed \$1 50 per day, by law, for troop service, and issued its bonds payable with interest for adjusting the account.

The State of California paid for troop service, in 1850, \$5 per day, and issued her bonds in the same way. These were the lowest rates of ordinary wages in these countries at the time of the service. They were just, and have been assumed and paid by the United States. Two dollars per day was the lowest rate of ordinary wages by the month in Oregon and Washington in 1855-'56; and was fixed by law as the pay of the citizen-soldier.

But, Mr. Chairman, I will say no more on this subject. Time will not allow.

The third resolution declares that no person shall be paid for his services in more than one employment in the same time, and that "all such double and triple allowances for pay as appears in said account shall be rejected." This is proper, and will affect the action of the Commission in no manner whatever; for it is the rule on which they acted. Instances may, and probably will occur to the contrary, owing to the complicated nature of the original papers and the necessity of action by the Board on these accounts, a part at one time, and a part at another, without opportunity of comparing and testing the whole together. But these instances are not of the nature which the Auditor has generally put forward in his letter as cases of double and triple allowance, as I have just shown.

The fourth resolution intended to restrict claims for transportation, &c., is, doubtless, based upon the following clause in the Auditor's letter:

"It appears from the muster-rolls that of the animals first purchased, three hundred and sixty were furnished the first regiment in northern Oregon, and twenty-

six to the 9th regiment in the south. The field and staff were furnished with thirteen, and the 2d regiment with but sixty-seven. These include long and short periods. It is seen therefore that nearly all the animals purchased must have been used for transportation purposes, in addition to the great number of pack animals and teams hired. It is quite probable that the animals hired for long periods might not have been used all the time, but were in possession of, or at the command of the territory."

I will now show the falacy of the statement and deduction, and I will not go beyond the Auditor's letter to do it.

How many animals were there of those "first purchase," which he refers to?

Quartermaster General Miller, and Assis't Quartermaster General Zeiber, were the only purchasers during the first periods of the war. The former purchased three horses, the latter, six hundred and fifteen horses and ninety-seven mules, making in all seven hundred and fifteen animals. Of these, according to the quoted statement, four hundred and sixty-six were used to mount the troops at the out-start, leaving one hundred and forty-nine for the transportation of two regiments of troops.

These volunteers executed marches beyond the line of settlements into the interior, equal to half the distance from Fort Laramie to the Great Salt Lake. The advance of our little army to Utah, if I recollect right, consisted of about two regiments, and their outfit for transportation was one thousand three hundred six mule wagons, making seven thousand eight hundred public animals for this kind of transportation alone. I do not pretend that this is a parallel case at all. But I cite it to show those unacquainted with the snbject, what transportation is sometimes required in a military expedition.

Most of the transportation in the Oregon and Washington service was done by hired trains and teams; a few were purchased. None were on the hands of the Territories idle as intimated. There were a great many horses purchased during the war, but they were used to remount the troops. The "Recruiting Battalions," as they were called, were nearly all mounted in this manner. This winter campaigning in a wild, unsettled region, without forage, except what the poor animals can obtain for themselves over the bleak hills and amidst the snows, soon kills off the best of horses. Our army for Utah lost five thousand public animals by starvation and fatigue on the line of march.

But, Mr. Chairman, the restriction on claims for supplies contained in this resolution will not affect the Oregon claims. The Oregon volunteers did not have their allowances in many cases. In the first expedition through the Yakima country, they subsisted, as to the meat ration, principally on captured wild cattle, and in the Walla-Walla country, in the dead of winter, their rear having been occupied by the hostiles, and their supplies cut off, they subsisted, solely, for weeks on the flesh of their dead horses and mules, perished by fatigue and starvation. A portion of this time they did not even have salt for a relish.

But the rule will take effect on the claims of Washington Territory growing out of "supplies issued to distressed families in time of war," an issue which the Third Auditor confesses he never heard of, but which, as my friend from Washington (Mr. STEVENS) has shown, is known in the army of the United States, and in the military service of every civilized power, where humanity prevails.

The persons who received these issues were those who had been driven from their homes, who had witnessed the destruction of their dwellings,

and the slaughter of their herds and flocks by the savages, and had been gathered into block-houses and stockade forts for safety. From plenty and happiness they had been reduced in a day to poverty and distress. They were cut off from any means of supplying their own wants by their labor, for they were besieged. They must have been subsisted, or starved. The Government owed them protection, and if it were not granted at that time, the failure only adds ten-fold weight to the obligation to relieve them from this contingent of the want of such protection.

I cannot bring myself to believe that this House voted for such a resolution with the understanding that such was, or would be, its effect.

The fifth and last of this series of resolutions provides that all claims of volunteers for horses, arms, and other property, lost or destroyed in said service, shall be audited according to the provisions of the act approved March 3d, 1849. This act, or rather the first section of it, which bears more particularly on this subject, I will read, with the permission of the committee, as follows:

"Be it enacted &c., That any field or staff, or other officer, mounted militia-man, volunteer, ranger, or cavalry, engaged in the military service of the United States since the eighteenth of June, eighteen hundred and twelve, or who shall hereafter be in said service, and has sustained, or shall sustain, damage without any fault or negligence on his part, while in said service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, and which has died or shall die of said wound, or, being so wounded, shall be abandoned by order of his officer and lost, or shall sustain damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea when on board an United States transport vessel, or because the United States failed to supply transportation for the horse, and the armor were compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider was dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command ordered, or shall order, the horse turned out to graze in the woods, prairies, or commons, because the United States failed, or shall fail, to supply sufficient forage, and the loss was or shall be consequent thereof, or for the loss of necessary equipage, in consequence of the loss of his horse, as aforesaid, shall be allowed and paid the value thereof, *not to exceed two hundred dollars*: *Provided*, That if any payment has been, or shall be, made to any one aforesaid, for the use and risk, or for forage after the death, loss, or abandonment of his horse, said payment shall be deducted from the value thereof, unless he satisfied, or shall satisfy, the paymaster at the time he made, or shall make the payment, or thereafter show, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot: *And provided also*, If any payment shall have been made, or shall hereafter be made to any person above mentioned on account of clothing to which he was not entitled by law, such payment shall be deducted from the value of his horse or accoutrements."

The only feature of this law which is to govern the Auditor in his action, that I wish to notice is, the limitation of \$200, which is not to be exceeded in making allowances for horses killed in battle, lost, or worn out in service.

This law was a very just one, no doubt, when it was made, ten years ago. But since that period, we have reduced to civilized occupancy a vast domain on the Pacific, throughout which, prices of nearly all kinds of property range certainly one hundred per cent. higher than in any part of the States to which this law applied at the date of its enactment. With what justice then, can such a law be extended and applied to a service which does not fall within its purview, (for these troops, in the eye of the law were not "in the service of the United States,") or what line of policy, leaving justice out of sight, would dictate that when the citizen soldier had

had a valuable horse shot under him in battle, and could prove that he was worth \$400, he should be paid only \$200; and that without being allowed a dime for the service of the animal.

This action has evidently been based upon the following clauses in the letter of the Third Auditor:

"In the absence of any testimony on these points, I have had recourse to the accounts of disbursing officers of the regular army in Oregon and Washington Territories during the latter part of 1855 and the first quarter of 1856, with the view of ascertaining the prices paid by them for purchases of property, of supplies, hire of employés, &c.

"Lieutenant Withers, during the two quarters, purchased one hundred and eleven horses, at prices ranging from \$60 to \$200, the average cost being little less than \$124. Some of these are described as 'American horses,' ranging from \$160 to \$200 each; others as 'half breed,' at about \$125. Of mules, fifty-one were purchased at prices ranging from \$140 to \$200 each, and averaging \$158 each."

This purchase of horses by Lieutenant Withers was made known to the Commission at the time of their action on the allowances for horses lost in service which they reported. Lieutenant Withers having been transferred from the Department of the Pacific to the Department of Texas, the Commission caused the principal agent who made these purchases to come before them. They took his sworn testimony relative to the value of those animals, and the value of the animals in the volunteer service with which he was well acquainted. His statements were, that these one hundred and eleven horses were generally of an inferior order, that very few of them were of American blood, and were in some instances returned, worn out horses from the volunteer service; that as an average lot they were not of one-half the value of those of the first regiment of Oregon mounted volunteers. He further states that none of them were fit for mounting dragoons in the regular service.

On this and other testimony of like character \$400 was established as a *maximum price* for horses; and I will say that this was regarded by the public there as a low maximum.

To show the reason of the great diversity of prices of horses appearing in these accounts, I will state that there are three distinct classes of horses found everywhere west of the Rocky Mountains. The first and most valuable is the American, taken there overland from the older States. The second is the Spanish, of less value, but often a good saddle horse, introduced from the Mexican settlements south, and the third and most valueless, the Indian. The Spanish and Indian horses, and their mixtures, are commonly sold at ordinary rates of American horses of the common qualities in the older States, while the American horses are of double the value.

A statement of the value of this latter class of property in the Pacific States and Territories is found in the report (No. 132) of the Committee on Indian Affairs of this House at last session, made upon sworn testimony in the premises, in adjusting the claim of certain mail contractors for the loss of horses killed or driven away by Indians on the route from California to Salt Lake. The statement is as follows:

"These animals are proved to be worth from \$200 to \$500 each. Nor does this sum seem to your committee extravagant. The route was between Salt Lake and California; none but the best stock could perform the service. For, in addition to the length of the trip, there were changes of grass, and climate, and water, which would destroy the constitution of any but the very best animals. The prices of stock at Salt Lake and in California were high, and when an animal well suited to the service was procured, his value to the contractors was doubtless \$500.

"Your committee, therefore, think it reasonable to take the sum of \$350, the difference between \$200 and \$500, as the average price of each animal, and thus ascertain the eighty-three animals of Messrs. Woodward and Chorpensing killed, to be worth \$29,050."

This presents the true cash value of good American horses throughout all that country. Many of the horses of the volunteer service of Oregon and Washington were of this class, and they were particularly required for the long interior campaigns, extending over a field of operations more than half way to Salt Lake.

But here let me state that there have been purchases of horses made for the regular service in Oregon since the war, when, as the Auditor shows, prices had fallen very much, at rates varying from \$200 to \$350; and these were generally under size for mounting dragoons.

These facts are to be had from the same sources whence the Third Auditor sought out the precious item of the one hundred and eleven condemned animals. Why did he not present these facts when he was pretending to give information to the committee?

Mr. Chairman, with such facts on the record, (and I might place there a thousand others in their support, had I time,) who will say that the system of legislation pointed out by these resolutions will not prove to be the concentration of injustice! Who will say that the General Government has discharged its duty to those infant and embryo States on the Pacific, by paying half their expenses incurred in these Indian wars?—wars fought to maintain there the flag of the nation, to enforce its jurisdiction and laws, and to open for sale and settlement that vast scope of country embraced in the western shed of our continent?

I can but feel oppressed at the apparent indifference manifested here to the condition and claims of that country.

Times were when, in the lights of earlier statesmanship, we would have fought Great Britain, at an expense of two hundred millions, to have saved one-half of Oregon to our common flag. Yet the American pioneers of that sunset land, taking possession of the country while yet, *de jure*, it was in the joint occupancy of both contending Governments, and planting there our institutions, saved the whole, and that without a war. They have had struggle after struggle to maintain their foothold. They have been beset and tempted by powerful foreign influences, but as naturally and truly as the prairie sun-flower turns to the source of light, they have looked to the standard of the Union and clothed themselves in the beams of American liberty. And they have triumphed, and been welcomed here as a sovereign State. They bring to the common altar of our country the fruits of their weary toils as pioneers of our great western empire. Shall we now witness the spectacle of the American Congress denying to these people a just recognition of their services?